

HON. KIMBERLY J. MUELLER

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL BRECHT,

Plaintiff,

v.

BNSF RAILWAY COMPANY, f/k/a THE
BURLINGTON NORTHERN SANTA FE
RAILWAY COMPANY, a Delaware
corporation,

Defendant.

NO. Civ. S-05-0859 KJM

STIPULATION AND ORDER
MODIFYING PRETRIAL SCHEDULE

Plaintiff Brecht , through his counsel, Fred Diamondstone, and Defendant BNSF,
though it's counsel Jamie A. Pearson of Barry Ubaldi McPherson & Flesher, LLP, enter the
/ / /

STIPULATION AND ORDER
MODIFYING PRETRIAL SCHEDULE

Fred Diamondstone
ATTORNEY AT LAW
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1 following

2
3 STIPULATION

4 1 The current court ordered schedule, which sets a discovery cut-off date of
5 4/19/2006, a due date for motions of 6/14/2006 and a trial date of 10/16/2006
6 trial date does not address a due date for expert witness disclosures.

7 F.R.Civ.P. 26 (a)(2) would appears to set expert disclosure dates after the
8 discovery cut-off.

9 2 The parties have been pursuing discovery. Interrogatories and Requests for
10 Documents have been exchanged and answered. (Certain Discovery
11 Disagreements are set to be resolved at a court hearing set for December 7,
12 2005). Depositions (other than records depositions noted by Defendant) have
13 not yet been conducted, but are contemplated.

14 3 These parties believe that experts should be disclosed by April 3, 2006, that
15 discovery should be cut-off June 2, 2006 and the deadline for filing pre-trial
16 motions can be maintained at June 14, 2006.

17 4. The parties agree to the proposed order, below.

18 DATED this 29th day of December, 2005.

19 **LAW OFFICES OF**
20 **FRED DIAMONDSTONE**

21 /s/ Fred Diamondstone
22 Fred Diamondstone, WSBA No. 7138
23 Admitted *pro hac vice*
24 Attorney for Plaintiff
25
26

**Barry Ubaldi McPherson & Flesher,
LLP**

/s/ Jamie A. Pearson
Jamie A. Pearson, Calif. Bar No. 221261
Of Attorneys for Defendants BNSF

Presented By:

/s/ Fred Diamondstone
Fred Diamondstone, WSBA No, 7138
Attorney for Plaintiff
Admitted pro hac vice

Copy Received, Approved as to Form:

Barry Ubaldi McPherson & Flesher, LLP


By: /s/ Jamie A. Pearson
Jamie A. Pearson, Calif. State Bar No.
Attorney for Defendant

ORDER

1. The Court has reviewed and hereby APPROVES the Stipulation set forth above.
2. The Court modifies the schedule set forth in the Minute Order of September 21, 2005, Document #26, as follows: The parties shall disclose experts by April 3, 2006, discovery shall be cut-off June 2, 2006 and the deadline for filing pre-trial motions shall remain at June 14, 2006. As allowed by Fed.R.Civ.P. 26(a)(2)(B) & (C), rebuttal experts shall be disclosed by May 3, 2006.

SO ORDERED.

DATED: December 1, 2005.


UNITED STATES MAGISTRATE JUDGE